



## THE CORPORATION OF THE TOWN OF AMHERSTBURG

### OFFICE OF DEVELOPMENT SERVICES

**MISSION STATEMENT:** *Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.*

<b>Author's Name:</b> Janine Mastronardi	<b>Report Date:</b> January 5, 2023
<b>Author's Phone:</b> 519 736-5408 ext. 2134	<b>Date to Council:</b> January 23, 2023
<b>Author's E-mail:</b> jmastronardi@amherstburg.ca	<b>Resolution #:</b>

**To:** Mayor and Members of Town Council

**Subject:** Request for Certificate of Validation- 235-237 and 239 Sandwich Street South

#### 1. **RECOMMENDATION:**

It is recommended that:

1. Council approve the granting of a validation order in accordance with Section 57 of the Planning Act, R.S.O. 1990, c.P. 13, for the properties at 235-237 Sandwich Street South and 239 Sandwich Street South.

#### 2. **BACKGROUND:**

The Town is in receipt of a request from Cynthia Thrasher, Solicitor on behalf of Lisa Ann O'Brien and 1015072 Ontario Limited, for a Certificate of Validation under Section 57 of the Planning Act, R.S.O. 1990, c.P. 13, for the property being Plan 1, Pt Lt 15, municipally known as 235-237 Sandwich Street South and 239 and Sandwich Street South.

#### 3. **DISCUSSION:**

It has come to light as a result of a pending sale of 235-237 Sandwich Street South and 239 Sandwich Street South that in 1996 there was an inadvertent contravention of the Planning Act, R.S.O. 1990, c.P. 13.

It would appear these two parcels were historically separate until they were purchased by Remo D'Amore and Phyllis D'Amore. Phyllis D'Amore and Remo D'Amore purchased 235-237 Sandwich Street South in 1985. Luigi Dipierdomenico acted for the D'Amore's at that time. In 1996 the D'Amore's purchased 239 Sandwich Street South which resulted in the properties merging. On September 19, 1996 Mr. Dipierdomenico registered a Deed from Remo D'Amore and Phyllis D'Amore to Phyllis D'Amore along with a Document

General explaining the situation. Mr. Dipierdomenico thought that should have corrected the Planning Act violation.

The municipality treats the properties as 2 separate entities.

At this time Lisa O'Brien owns 239 Sandwich Street South and 1015072 Ontario Limited owns 235-237 Sandwich St. South. There are two separate agreements of purchase and sale to sell these properties as separate entities.

The requested Certificate of Validation will not change any previous approvals but will allow clear title for the sale of this property.

The criteria for granting a validation order are similar to those for granting a consent by the Committee of Adjustment. However, as the validation order is the procedure that is directly related to a factual circumstance such as this one, the procedure required by Section 57 of the Planning Act for the Council to grant a validation order should be followed in this case.

**4. RISK ANALYSIS:**

The recommendation presents little to no risk to the municipality.

**5. FINANCIAL MATTERS:**

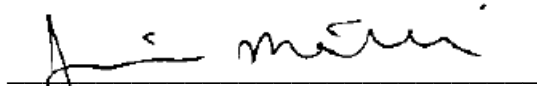
All costs associated with the application are the responsibility of the applicant. Council's decision cannot be appealed, therefore the Town will not incur any costs.

**6. CONSULTATIONS:**

The Town solicitor was consulted on the request and advised in his opinion "the validation certificate would be the suitable mechanism to correct the previous contravention of the Planning Act."

**7. CONCLUSION:**

A Certificate of Validation will provide clear title for the subject lands. We would therefore recommend approval of the Certificate of Validation in that the parcel satisfies the criteria set out in Section 57 of the Planning Act and there does not appear to have been any intent to avoid the provisions of the Planning Act, R.S.O. 1990, c.P. 13.



Janine Mastronardi  
**Planner**

JM

## Report Approval Details

Document Title:	Request for Certificate of Validation- 235-237 and 239 Sandwich St S.docx
Attachments:	- Aerial for Request for Certificate of Validation for 235-237 and 239 Sandwich St S.pdf
Final Approval Date:	Jan 9, 2023

This report and all of its attachments were approved and signed as outlined below:

### No Signature found

Chris Aspila

A handwritten signature in black ink, appearing to read 'Melissa Osborne'.

Melissa Osborne

A handwritten signature in purple ink, appearing to read 'Tracy Prince'.

Tracy Prince

A handwritten signature in black ink, appearing to read 'Valerie Critchley'.

Valerie Critchley

A handwritten signature in black ink, appearing to read 'Kevin Fox'.

Kevin Fox